

**MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION**

5:00 p.m.

Thursday, October 26, 2017

City Council Chamber, Historic Federal Building

Board Members Present: Board Members Keith Ahlvin, Bethany Golombeski, and Joyce Pope; Staff Members Guy Hemenway, Wally Wernimont and Kyle Kritz.

Board Members Excused: Chairperson Jonathan McCoy and Board Member Jeff Cremer.

Board Members Unexcused: None.

CALL TO ORDER: The meeting was called to order by Acting Chairperson Ahlvin at 5:00 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: The minutes of the September 28, 2017 Zoning Board of Adjustment meeting were approved unanimously as submitted.

Docket 41-17/Special Exception: Application of Jessica M. Mai, 2185 Marion Street, to construct an attached garage/addition five (5) feet from the front property line, twenty (20) feet minimum required, in an R-1 Single Family Residential zoning district.

Staff noted that the applicant asked that the request be tabled.

Motion by Pope, seconded by Golombeski, to table Docket 41-17 Special Exception request for 2185 Marion Street. Motion carried by the following vote: Aye – Pope, Golombeski and Ahlvin; Nay – None.

Docket 45-17/Special Exception: Application of Herb Klinkhammer, 2363 Trygg Drive, to allow a 2.5-foot side yard setback, six (6) feet required in an R-1 Single Family Residential zoning district.

Staff noted that the applicant asked that the request be tabled.

Motion by Pope, seconded by Golombeski, to table Docket 45-17 Special Exception request for 2363 Trygg Street. Motion carried by the following vote: Aye – Pope, Golombeski and Ahlvin; Nay – None.

Docket 46-17/Special Exception: Application of Joey Burds, 190 Bluff Street, to cover 63 percent (%) of the lot with structures, 50 percent (%) maximum permitted and to cover 88 percent (%) of the lot with impervious area, 80 percent (%) maximum permitted, in an OR Office Residential zoning district.

Staff noted that the applicant asked that the request be tabled.

Motion by Pope, seconded by Golombeski, to table Docket 46-17 Special Exception request for 190 Bluff Street. Motion carried by the following vote: Aye – Pope, Golombeski and Ahlvin; Nay – None.

Docket 44-17/Special Exception: Application of Trevor Parks, Heather Glen (PIN # 15-02-152-034), to construct a single-family home 90 feet from the front property line, 50 feet maximum permitted, in an R-2 Two-Family Residential Zoning district.

Trevor Parks, 1845 Red Hall Road, Mt. Vernon, Iowa stated that he represents the property owners. He said that it was advantageous to place the structure farther back than 50 feet, noting that there is fill and topography issues with the front of the lot. He said that the lot is tapered and relatively narrow in the front. He said that a storm sewer easement also limits where the house can be placed on the site.

Mary Liebfried, 731 June Drive, said she and her husband are building a house on the adjacent lot. She distributed photos of the site showing the location of the proposed subject residence. She said that she had concerns that the structure would be located in their back yard and would compromise both their view to the valley and their privacy. She said she felt the house as staked was 124 feet back from the curb versus the 90 feet stated.

Mr. Parks reviewed the photos of the site that were provided by the adjacent property owners. He said that they are positioning the garage over as far as possible on the site to provide additional room between the house and the adjacent lot. He said that the garage would have windows on the side to improve the appearance of the house from the neighboring property. He said they are placing the structure as close to the sewer easement as possible. He said that the garage will help screen the adjacent residence from the windows of the subject residence.

Staff Member Hemenway presented the staff report, noting that the applicants would be bound by the submitted site plan that indicated a 90-foot setback to the closest point of the house. He said that the site has a topographic hardship and that the fill at the beginning of the lot makes building there difficult. He said that the Fire Department has reviewed the request and required that the driveway be built to fire code standards.

Board Members discussed the request, noting that the position of the garage provides some privacy from the adjacent lot. In response to a question from the Board, the applicant noted that there is some wiggle room to build closer to both the side and front property lines. Board Members reviewed the site diagram.

Board Member Ahlvin expressed concerns with the location of the house relative to the adjacent property, noting that the privacy and view would be compromised.

In response to a question from Board Member Ahlvin, the adjacent property owner said that if the house were to be shifted to 90 feet, they would not oppose the request.

Board Members discussed the request and felt that all the conditions established for a Special Exception were satisfied.

Motion by Golombeski, seconded by Pope, to approve the Special Exception request with the condition that the driveway access be built to City fire code standards. Motion carried by the following vote: Aye – Pope, Golombeski and Ahlvin; Nay – None.

Docket 42-17/Special Exception: Application of Stanley & Carolyn Hewitt, 610 Greenfield Street, to construct a garage addition two (2) feet from the side property line, six (6) feet required, in an R-1 Single Family Residential Zoning district.

Stanley and Carolyn Hewitt explained their request to the Board. They said they had built an 8' by 8' storage shed attached to their garage and that the shed had been there for 15 years. They said they had fenced their property. Mrs. Hewitt noted that the shed is 33 inches from the property line.

Board Member Golombeski asked about the porch eave and the downspout that appeared to be directed over the fence on to the adjacent lot.

Russ Hibben, 575 Kaufmann Avenue, said he has concerns with the discharge of storm water from the roof of the applicant's property over the fence and onto his lot. He said that the downspout had just been re-routed to correct the situation. He said that he has no objection to the shed, but he is opposed to the applicant's gutters and downspout emptying into his yard.

Board Members discussed requiring that the storm water be re-directed.

David Birch, 620 Greenfield, said that he did not object to the shed at the back of the garage.

Board Member Ahlvin read a letter submitted by Camilla Wills, 575 Spring Green Court, stating that she was not opposed to the request.

The applicants noted that they had re-routed the downspout directing water back onto their property.

Staff Member Hemenway presented the staff report. He noted that the shed did not compromise public safety and had little effect on the use, value and enjoyment of the residential property. He said that the Board can place conditions on approval that could address the storm water issue.

Board Members discussed the request and felt it was contingent for the applicants to direct storm water on to their own property.

Motion by Pope, seconded by Golombeski, to approve the Special Exception request with the condition that storm water be directed onto the subject property and not onto the adjacent residential properties. Motion carried by the following vote: Aye – Pope, Golombeski and Ahlvin; Nay – None.

Docket 43-17/Special Exception: Application of Chris & Joanie McDonough, 850 South Grandview Avenue, to construct an attached deck & swimming pool two (2) feet from the north side property line and two (2) feet from the rear property line, six (6) feet and twenty (20) feet required respectively, in an R-1 Single-Family Residential Zoning district.

Chris and Joanie McDonough explained their request, noting that they had spoken with the neighbors and that they did not oppose their project. They said that the deck would abut a retaining wall that they are constructing along the north property line.

The Board discussed the location of the deck relative to the house.

No one spoke in opposition.

Staff Member Hemenway reviewed the request, noting that the rear yard setback for an attached structure is 20 feet, whereas, if the pool and deck enclosure were to be detached, the setback would be 6 feet. He said that the deck and pool as proposed would have little impact on public safety, provided the pool was securely fenced as per the City of Dubuque Building Code. He stated that the proposed deck and enclosure should have very limited impact on the adjacent properties.

Motion by Pope, seconded by Golombeski, to approve the Special Exception request as submitted. Motion carried by the following vote: Aye – Pope, Golombeski and Ahlvin; Nay – None.

Docket 47-17/Special Exception: Mark Mitchley, 1430 Curtis Street, to allow a deck one (1) foot from the front property line, 20' minimum required, in an R-1 Single-Family Residential Zoning district.

Mark Mitchely presented his request to the Board. He said he would like to build a 12' by 20' deck, noting that the one side of the structure would be at grade and the other would be approximately 2 feet above the lot. He said the deck would be 5 feet from the edge of the sidewalk. He said that he spoke with his neighbors and he submitted a photograph of an open style rail he said would not block the view from adjacent properties.

Board Member Golombeski asked if the deck would be attached to the house. The applicant said that the deck would be built two-feet from the house.

No one spoke in opposition.

Staff Member Hemenway presented the staff report. He referred to photos of the site and said that the deck would be at grade on the west side and approximately 2 feet above grade on the east side. He said that because the deck will be built close to the ground and have an open railing, it should have limited impact on the view from adjacent driveways or the front of neighboring homes. He said the Board could require that the railing design be open.

Motion by Pope, seconded by Golombeski, to approve the Special Exception request with the condition that the deck railing design be open. Motion carried by the following vote: Aye – Pope, Golombeski and Ahlvin; Nay – None.

ITEMS FROM STAFF:

ITEMS FROM BOARD:

ITEMS FROM PUBLIC:

ADJOURNMENT: The meeting adjourned at 5:45 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

11.16.17

Adopted